

By Mr. Flaherty of Boston, petition of the Mass. State Labor Council, AFL-CIO, and Michael F. Flaherty for legislation to increase the amount of compensation for incapacity under the Workmen's Compensation Act. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT INCREASING THE AMOUNT OF COMPENSATION FOR INCAPACITY UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 152 of the General Laws is hereby
2 amended by striking out section 34 and inserting in place
3 thereof the following section: —

4 *Section 34.* While the incapacity for work resulting from the
5 injury is total, the insurer shall pay the injured employee a
6 weekly compensation equal to two thirds of his average weekly
7 wages, but not less than fifty dollars a week; provided, that the
8 aggregate amount payable under this section shall not exceed
9 four hundred times the weekly payments, except that if the
10 injured employee has received compensation for the same
11 injury under section thirty-five the combined amount of com-
12 pensation payable under this section and section thirty-five
13 shall not exceed the maximum amount as set forth in section
14 thirty-five.

1 SECTION 2. Section 34A of said chapter 152 is hereby
2 amended by striking out the first sentence thereof and inserting
3 in its place the following sentence: — While the incapacity for
4 work resulting from the injury is both permanent and total, the
5 insurer shall pay to the injured employee, following payment
6 of the maximum amount of compensation provided in sections

7 thirty-four and thirty-five, or either of them a weekly compen-
8 sation equal to two thirds of the average weekly wage, but not
9 less than fifty dollars a week, during the continuance of such
10 permanent and total incapacity.

1 SECTION 3. Said chapter 152 is hereby further amended by
2 striking out section 35 and inserting in place thereof the
3 following section: –

4 *Section 35.* While the incapacity for work resulting from the
5 injury is partial, the insurer shall pay the injured employee a
6 weekly compensation equal to the entire difference between his
7 average weekly wage before the injury and the average weekly
8 wage he is able to earn thereafter but no more than two thirds
9 of his average weekly wage before the injury; provided that the
10 aggregate amount payable under this section shall not exceed
11 four hundred and fifty times the weekly payment under
12 section thirty-four nor shall the combined amount payable
13 under this section and section thirty-four be more than four
14 hundred and fifty times the weekly payment under section
15 thirty-four.